

AMENDED IN ASSEMBLY SEPTEMBER 6, 2001

AMENDED IN ASSEMBLY AUGUST 27, 2001

AMENDED IN SENATE MAY 23, 2001

SENATE BILL

No. 610

Introduced by Senator Costa

(Coauthor: Assembly Member Dickerson)

February 22, 2001

An act to amend Section 21151.9 of the Public Resources Code, and to amend Sections 10631, 10656, 10910, 10911, 10912, and 10915 of, ~~and~~ to repeal Section 10913 of, *and to add and repeal Section 10657 of*, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 610, as amended, Costa. Water supply planning.

(1) Existing law requires every urban water supplier to identify, as part of its urban water management plan, the existing and planned sources of water available to the supplier over a prescribed 5-year period. *Existing law prohibits an urban water supplier that fails to prepare or submit its urban water management plan to the Department of Water Resources from receiving drought assistance from the state until the plan is submitted.*

This bill would require additional information to be included as part of an urban water management plan if groundwater is identified as a source of water available to the supplier. *The bill would require an urban water supplier to include in the plan a description of all water supply projects and programs that may be undertaken to meet total projected water use. The bill would prohibit an urban water supplier that fails to prepare or submit the plan to the department from receiving*

funding made available from specified bond acts until the plan is submitted. The bill, until January 1, 2006, would require the department to take into consideration whether the urban water supplier has submitted an updated plan, as specified, in determining eligibility for funds made available pursuant to any program administered by the department.

(2) Existing law, under certain circumstances, requires a city or county that determines an environmental impact report is required in connection with a project, as defined, to request each public water system that may supply water for the project to assess, among other things, whether its total projected water supplies will meet the projected water demand associated with the proposed project. Existing law requires the public water system to submit the assessment to the city or county not later than 30 days from the date on which the request was received and, in the absence of the submittal of an assessment, provides that it shall be assumed that the public water system has no information to submit. Existing law makes legislative findings and declarations concerning “Proposition C,” a measure approved by the voters of San Diego County relating to regional growth management, and provides that the procedures established by a specified review board established in connection with that measure are deemed to comply with the requirements described above relating to water supply planning by a city or county.

This bill would revise those provisions. The bill, instead, would require a city or county that determines a project is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems, ~~under certain circumstances~~, to prepare a specified water supply assessment, *except as otherwise specified*. The bill would require the assessment to include, among other information, an identification of existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project and water received in prior years ~~by the public water system~~ pursuant to those entitlements, rights, and contracts. The bill would require the city or county, if it is not able to identify any public water system that may supply water for the project, to prepare the water supply assessment *after a prescribed consultation*. The bill would revise the definition of “project,” for the purposes of these provisions, and make related changes.



The bill would ~~provide that if a public water system does not submit the assessment within 90 days, as specified, it shall be assumed that the public water system has no information to submit that is in addition to, or different from, information set forth in its urban water management plan. The bill would provide that nothing in the bill's provisions prohibits the city or county from seeking a writ of mandamus to compel the public water system to comply with requirements relating to the submission of the water supply assessment~~ *prescribe a timeframe within which a public water system is required to submit the assessment to the city or county and would authorize the city or county to seek a writ of mandamus to compel the public water system to comply with requirements relating to the submission of the assessment.*

The bill would require the public water system, or the city or county, as applicable, if that entity concludes that water supplies are, or will be, insufficient, to submit the plans for acquiring additional water supplies.

The bill would require the city or county to include the water supply assessment and certain other information in any environmental document prepared for the project pursuant to the act. By establishing duties for counties and cities, the bill would impose a state-mandated local program.

The bill would provide that the County of San Diego is deemed to comply with these water supply planning requirements if the Office of Planning and Research determines that certain requirements have been met in connection with the implementation of "Proposition C."

(3) The bill would incorporate additional changes in Section 10631 of the Water Code proposed by AB 901, to be operative only if this bill and AB 901 are enacted and become effective on or before January 1, 2002, each bill amends Section 10631 of the Water Code, and this bill is enacted last.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The length and severity of droughts in California cannot be predicted with any accuracy.

(2) There are various factors that affect the ability to ensure that adequate water supplies are available to meet all of California's water demands, now and in the future.

(3) Because of these factors, it is not possible to guarantee a permanent water supply for all water users in California in the amounts requested.

(4) Therefore, it is critical that California's water agencies carefully assess the reliability of their water supply and delivery systems.

(5) Furthermore, California's overall water delivery system has become less reliable over the last 20 years because demand for water has continued to grow while new supplies have not been developed in amounts sufficient to meet the increased demand.

(6) There are a variety of measures for developing new water supplies including water reclamation, water conservation, conjunctive use, water transfers, seawater desalination, and surface water and groundwater storage.

(7) With increasing frequency, California's water agencies are required to impose water rationing on their residential and business customers during this state's frequent and severe periods of drought.

(8) The identification and development of water supplies needed during multiple-year droughts is vital to California's business climate, as well as to the health of the agricultural industry, environment, rural communities, and residents who continue to face the possibility of severe water cutbacks during water shortage periods.

(9) A recent study indicates that the water supply and land use planning linkage, established by Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code, has not been implemented in a manner that ensures the appropriate level of communication between water agencies and planning agencies, and this act is intended to remedy that deficiency in communication.

(b) It is the intent of the Legislature to strengthen the process pursuant to which local agencies determine the adequacy of existing and planned future water supplies to meet existing and planned future demands on those water supplies.

SEC. 2. Section 21151.9 of the Public Resources Code is amended to read:

21151.9. Whenever a city or county determines that a project, as defined in Section 10912 of the Water Code, is subject to this division, it shall comply with Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code.

SEC. 3. Section 10631 of the Water Code is amended to read:

10631. A plan shall be adopted in accordance with this chapter and shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments as described in subdivision (a). If groundwater is identified as an existing ~~and~~ or planned source of water available to the supplier, all of the following information shall be included in the plan:

(1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.

(2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the



1 most current official departmental bulletin that characterizes the
2 condition of the groundwater basin, and a detailed description of
3 the efforts being undertaken by the urban water supplier to
4 eliminate the long-term overdraft condition.

5 (3) A detailed description and analysis of the amount and
6 location of groundwater pumped by the urban water supplier for
7 the past five years. The description and analysis shall be based on
8 information that is reasonably available, including, but not limited
9 to, historic use records.

10 (4) A detailed description and analysis of the ~~amount and~~
11 ~~location~~ *location, amount, and sufficiency* of groundwater that is
12 projected to be pumped by the urban water supplier. The
13 description and analysis shall be based on information that is
14 reasonably available, including, but not limited to, historic use
15 records.

16 (c) Describe the reliability of the water supply and
17 vulnerability to seasonal or climatic shortage, to the extent
18 practicable, and provide data for each of the following:

19 (1) An average water year.

20 (2) A single dry water year.

21 (3) Multiple dry water years.

22 For any water source that may not be available at a consistent
23 level of use, given specific legal, environmental, water quality, or
24 climatic factors, describe plans to replace that source with
25 alternative sources or water demand management measures, to the
26 extent practicable.

27 (d) Describe the opportunities for exchanges or transfers of
28 water on a short-term or long-term basis.

29 (e) (1) Quantify, to the extent records are available, past and
30 current water use, over the same five-year increments described in
31 subdivision (a), and projected water use, identifying the uses
32 among water use sectors, including, but not necessarily limited to,
33 all of the following uses:

34 (A) Single-family residential.

35 (B) Multifamily.

36 (C) Commercial.

37 (D) Industrial.

38 (E) Institutional and governmental.

39 (F) Landscape.

40 (G) Sales to other agencies.

1 (H) Saline water intrusion barriers, groundwater recharge, or
2 conjunctive use, or any combination thereof.

3 (I) Agricultural.

4 (2) The water use projections shall be in the same five-year
5 increments as described in subdivision (a).

6 (f) Provide a description of the supplier's water demand
7 management measures. This description shall include all of the
8 following:

9 (1) A description of each water demand management measure
10 that is currently being implemented, or scheduled for
11 implementation, including the steps necessary to implement any
12 proposed measures, including, but not limited to, all of the
13 following:

14 (A) Water survey programs for single-family residential and
15 multifamily residential customers.

16 (B) Residential plumbing retrofit.

17 (C) System water audits, leak detection, and repair.

18 (D) Metering with commodity rates for all new connections
19 and retrofit of existing connections.

20 (E) Large landscape conservation programs and incentives.

21 (F) High-efficiency washing machine rebate programs.

22 (G) Public information programs.

23 (H) School education programs.

24 (I) Conservation programs for commercial, industrial, and
25 institutional accounts.

26 (J) Wholesale agency programs.

27 (K) Conservation pricing.

28 (L) Water conservation coordinator.

29 (M) Water waste prohibition.

30 (N) Residential ultra-low-flush toilet replacement programs.

31 (2) A schedule of implementation for all water demand
32 management measures proposed or described in the plan.

33 (3) A description of the methods, if any, that the supplier will
34 use to evaluate the effectiveness of water demand management
35 measures implemented or described under the plan.

36 (4) An estimate, if available, of existing conservation savings
37 on water use within the supplier's service area, and the effect of
38 such savings on the supplier's ability to further reduce demand.

39 (g) An evaluation of each water demand management measure
40 listed in paragraph (1) of subdivision (f) that is not currently being

1 implemented or scheduled for implementation. In the course of the
2 evaluation, first consideration shall be given to water demand
3 management measures, or combination of measures, that offer
4 lower incremental costs than expanded or additional water
5 supplies. This evaluation shall do all of the following:

6 (1) Take into account economic and noneconomic factors,
7 including environmental, social, health, customer impact, and
8 technological factors.

9 (2) Include a cost-benefit analysis, identifying total benefits
10 and total costs.

11 (3) Include a description of funding available to implement any
12 planned water supply project that would provide water at a higher
13 unit cost.

14 (4) Include a description of the water supplier's legal authority
15 to implement the measure and efforts to work with other relevant
16 agencies to ensure the implementation of the measure and to share
17 the cost of implementation.

18 (h) *Include a description of all water supply projects and water*
19 *supply programs that may be undertaken by the urban water*
20 *supplier to meet the total projected water use as established*
21 *pursuant to subdivision (a) of Section 10635. The urban water*
22 *supplier shall include a detailed description of expected future*
23 *projects and programs, other than the demand management*
24 *programs identified pursuant to paragraph (1) of subdivision (f),*
25 *that the urban water supplier may implement to increase the*
26 *amount of the water supply available to the urban water supplier*
27 *in average, single-dry, and multiple-dry water years. The*
28 *description shall identify specific projects and include a*
29 *description of the increase in water supply that is expected to be*
30 *available from each project. The description shall include an*
31 *estimate with regard to the implementation timeline for each*
32 *project or program.*

33 (i) Urban water suppliers that are members of the California
34 Urban Water Conservation Council and submit annual reports to
35 that council in accordance with the "Memorandum of
36 Understanding Regarding Urban Water Conservation in
37 California," dated September 1991, may submit the annual reports
38 identifying water demand management measures currently being
39 implemented, or scheduled for implementation, to satisfy the
40 requirements of subdivisions (f) and (g).

~~SEC. 4.—~~

SEC. 3.5. Section 10631 of the Water Code is amended to read:

10631. A plan shall be adopted in accordance with this chapter and shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments as described in subdivision (a). *If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:*

(1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.

(2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall

1 *be based on information that is reasonably available, including,*
2 *but not limited to, historic use records.*

3 (4) *A detailed description and analysis of the amount and*
4 *location of groundwater that is projected to be pumped by the*
5 *urban water supplier. The description and analysis shall be based*
6 *on information that is reasonably available, including, but not*
7 *limited to, historic use records.*

8 (c) Describe the reliability of the water supply and
9 vulnerability to seasonal or climatic shortage, to the extent
10 practicable, and provide data for each of the following:

11 (1) An average water year.

12 (2) A single dry water year.

13 (3) Multiple dry water years.

14 For any water source that may not be available at a consistent
15 level of use, given specific legal, environmental, water quality, or
16 climatic factors, describe plans to *supplement or* replace that
17 source with alternative sources or water demand management
18 measures, to the extent practicable.

19 (d) Describe the opportunities for exchanges or transfers of
20 water on a short-term or long-term basis.

21 (e) (1) Quantify, to the extent records are available, past and
22 current water use, over the same five-year increments described in
23 subdivision (a), and projected water use, identifying the uses
24 among water use sectors, including, but not necessarily limited to,
25 all of the following uses:

26 (A) Single-family residential.

27 (B) Multifamily.

28 (C) Commercial.

29 (D) Industrial.

30 (E) Institutional and governmental.

31 (F) Landscape.

32 (G) Sales to other agencies.

33 (H) Saline water intrusion barriers, groundwater recharge, or
34 conjunctive use, or any combination thereof.

35 (I) Agricultural.

36 (2) The water use projections shall be in the same five-year
37 increments as described in subdivision (a).

38 (f) Provide a description of the supplier's water demand
39 management measures. This description shall include all of the
40 following:

(1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:

(A) Water survey programs for single-family residential and multifamily residential customers.

(B) Residential plumbing retrofit.

(C) System water audits, leak detection, and repair.

(D) Metering with commodity rates for all new connections and retrofit of existing connections.

(E) Large landscape conservation programs and incentives.

(F) High-efficiency washing machine rebate programs.

(G) Public information programs.

(H) School education programs.

(I) Conservation programs for commercial, industrial, and institutional accounts.

(J) Wholesale agency programs.

(K) Conservation pricing.

(L) Water conservation coordinator.

(M) Water waste prohibition.

(N) Residential ultra-low-flush toilet replacement programs.

(2) A schedule of implementation for all water demand management measures proposed or described in the plan.

(3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.

(4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of ~~such~~ the savings on the supplier's ability to further reduce demand.

(g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following:

(1) Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors.

(2) Include a cost-benefit analysis, identifying total benefits and total costs.

(3) Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost.

(4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.

(h) *Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.*

(i) Urban water suppliers that are members of the California Urban Water Conservation Council and submit annual reports to that council in accordance with the "Memorandum of Understanding Regarding Urban Water Conservation in California," dated September 1991, may submit the annual reports identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of subdivisions (f) and (g).

SEC. 4. *Section 10656 of the Water Code is amended to read:*

10656. An urban water supplier that does not prepare, adopt, and submit its urban water management plan to the department in accordance with this part, is ineligible to receive *funding pursuant to Division 24 (commencing with Section 78500) or Division 26 (commencing with Section 79000), or receive drought assistance* from the state until the urban water management plan is submitted

1 pursuant to ~~Article 3 (commencing with Section 10640) of~~
2 ~~Chapter 3~~ this article.

3 SEC. 4.3. Section 10657 is added to the Water Code, to read:

4 10657. (a) The department shall take into consideration
5 whether the urban water supplier has submitted an updated urban
6 water management plan that is consistent with Section 10631, as
7 amended by the act that adds this section, in determining whether
8 the urban water supplier is eligible for funds made available
9 pursuant to any program administered by the department.

10 (b) This section shall remain in effect only until January 1,
11 2006, and as of that date is repealed, unless a later enacted statute,
12 that is enacted before January 1, 2006, deletes or extends that date.

13 SEC. 4.5. Section 10910 of the Water Code is amended to
14 read:

15 10910. (a) Any city or county that determines that a project,
16 as defined in Section 10912, is subject to the California
17 Environmental Quality Act (Division 13 (commencing with
18 Section 21000) of the Public Resources Code) under Section
19 21080 of the Public Resources Code shall comply with this part.

20 (b) The city or county, at the time that it determines whether an
21 environmental impact report, a negative declaration, or a
22 mitigated negative declaration is required for any project subject
23 to the California Environmental Quality Act pursuant to Section
24 21080.1 of the Public Resources Code, shall identify any water
25 system that is, or may become *as a result of supplying water to the*
26 *project identified pursuant to this subdivision*, a public water
27 system, as defined in Section 10912, that may supply water for the
28 project. If the city or county is not able to identify any public water
29 system that may supply water for the project, the city or county
30 shall prepare the water assessment required by this part after
31 consulting with *any entity serving domestic water supplies whose*
32 *service area includes the project site*, the local agency formation
33 commission, and any public water system adjacent to the project
34 site.

35 (c) (1) The city or county, at the time it makes the
36 determination required under Section 21080.1 of the Public
37 Resources Code, shall request each public water system identified
38 pursuant to subdivision (b) to determine whether the projected
39 water demand associated with a proposed project was included as

1 part of the most recently adopted urban water management plan
2 adopted pursuant to Part 2.6 (commencing with Section 10610).

3 (2) If the projected water demand associated with the proposed
4 project was accounted for in the most recently adopted urban water
5 management plan, the public water system may incorporate the
6 requested information from the urban water management plan in
7 preparing the *elements of the* assessment required to comply with
8 subdivisions (d), (e), (f), and (g).

9 (3) If the projected water demand associated with the proposed
10 project was not accounted for in the most recently adopted urban
11 water management plan, or the public water system has no urban
12 ~~water management plan, or the city or county is required to comply~~
13 ~~with this part pursuant to subdivision (b), the water supply~~ *water*
14 *management plan, the water supply* assessment for the project
15 shall include a discussion with regard to whether the public water
16 system's total projected water supplies available during normal,
17 single-dry, and multiple-dry water years during a 20-year
18 projection will meet the projected water demand associated with
19 the proposed project, in addition to the public water system's
20 existing and planned future uses, including agricultural and
21 manufacturing uses.

22 (4) *If the city or county is required to comply with this part*
23 *pursuant to subdivision (b), the water supply assessment for the*
24 *project shall include a discussion with regard to whether the total*
25 *projected water supplies, determined to be available by the city or*
26 *county for the project during normal, single-dry, and multiple-dry*
27 *water years during a 20-year projection, will meet the projected*
28 *water demand associated with the proposed project, in addition to*
29 *existing and planned future uses, including agricultural and*
30 *manufacturing uses.*

31 (d) (1) The assessment required by this section shall include an
32 identification of any existing water supply entitlements, water
33 rights, or water service contracts relevant to the identified water
34 supply for the proposed project, and a description of the quantities
35 of water received in prior years by the public water system, *or the*
36 *city or county if either is required to comply with this part pursuant*
37 *to subdivision (b), under the existing water supply entitlements,*
38 *water rights, or water service contracts.*

39 (2) An identification of existing water supply entitlements,
40 water rights, or water service contracts held by the public water

1 system, *or the city or county if either is required to comply with this*
2 *part pursuant to subdivision (b)*, shall be demonstrated by
3 providing information related to all of the following:

4 (A) Written contracts or other proof of entitlement to an
5 identified water supply.

6 (B) Copies of a capital outlay program for financing the
7 delivery of a water supply that has been adopted by the public
8 water system.

9 (C) Federal, state, and local permits for construction of
10 necessary infrastructure associated with delivering the water
11 supply.

12 (D) Any necessary regulatory approvals that are required in
13 order to be able to convey or deliver the water supply.

14 (e) If no water has been received in prior years by the public
15 water system, *or the city or county if either is required to comply*
16 *with this part pursuant to subdivision (b)*, under the existing water
17 supply entitlements, water rights, or water service contracts, the
18 public water system, *or the city or county if either is required to*
19 *comply with this part pursuant to subdivision (b)*, shall also include
20 in its water supply assessment pursuant to subdivision (c), an
21 identification of the other public water systems or water service
22 contractholders that receive a water supply or have existing water
23 supply entitlements, water rights, or water service contracts, to the
24 same source of water as the public water system, *or the city or*
25 *county if either is required to comply with this part pursuant to*
26 *subdivision (b)*, has identified as a source of water supply within
27 its water supply assessments.

28 (f) If a water supply for a proposed project includes
29 groundwater, the following additional information shall be
30 included in the water supply assessment:

31 (1) A review of any information contained in the urban water
32 management plan relevant to the identified water supply for the
33 proposed project.

34 (2) A description of any groundwater basin or basins from
35 which the proposed project will be supplied. For those basins for
36 which a court or the board has adjudicated the rights to pump
37 groundwater, a copy of the order or decree adopted by the court or
38 the board and a description of the amount of groundwater the ~~urban~~
39 ~~water supplier~~ public water system, *or the city or county if either*
40 *is required to comply with this part pursuant to subdivision (b)*, has

1 the legal right to pump under the order or decree. For basins that
2 have not been adjudicated, information as to whether the
3 department has identified the basin or basins as overdrafted or has
4 projected that the basin will become overdrafted if present
5 management conditions continue, in the most current bulletin of
6 the department that characterizes the condition of the groundwater
7 basin, and a detailed description by ~~the urban water supplier of the~~
8 ~~efforts being undertaken to the public water system, or the city or~~
9 ~~county if either is required to comply with this part pursuant to~~
10 ~~subdivision (b), of the efforts being undertaken in the basin or~~
11 ~~basins to eliminate the long-term overdraft condition.~~

12 (3) A detailed description and analysis of the amount and
13 location of groundwater pumped by the ~~urban water supplier~~
14 ~~public water system, or the city or county if either is required to~~
15 ~~comply with this part pursuant to subdivision (b),~~ for the past five
16 years from any groundwater basin from which the proposed
17 project will be supplied. The description and analysis shall be
18 based on information that is reasonably available, including, but
19 not limited to, historic use records.

20 (4) A detailed description and analysis of the amount and
21 location of groundwater that is projected to be pumped by the
22 ~~urban water supplier~~ ~~public water system, or the city or county if~~
23 ~~either is required to comply with this part pursuant to subdivision~~
24 ~~(b),~~ from any basin from which the proposed project will be
25 supplied. The description and analysis shall be based on
26 information that is reasonably available, including, but not limited
27 to, historic use records.

28 (5) An analysis of the sufficiency of the groundwater from the
29 basin or basins from which the proposed project will be supplied
30 to meet the projected water demand associated with the proposed
31 ~~project. A project shall not be required to comply with this~~
32 ~~subparagraph if the water agency determines, as part of the review~~
33 ~~required by subparagraph (1), that the amount of groundwater~~
34 ~~necessary to meet the initial and projected water demand~~
35 ~~associated with the project was included in the description and~~
36 ~~project. A water supply assessment shall not be required to include~~
37 ~~the information required by this paragraph if the public water~~
38 ~~system determines, as part of the review required by paragraph (1),~~
39 ~~that the sufficiency of groundwater necessary to meet the initial~~
40 ~~and projected water demand associated with the project was~~

1 *addressed in the description and analysis required by paragraph*
2 *(4) of subdivision (b) of Section 10631.*

3 ~~(g) (1) The governing body of each public water system shall~~
4 ~~approve the assessment prepared pursuant to subdivision (c), at a~~
5 ~~regular or special meeting and submit the assessment to the city or~~
6 ~~county not later than 90 days from the date on which the request~~
7 ~~was received.~~

8 ~~(2) If the governing body does not approve and submit the~~
9 ~~assessment within 90 days, it shall be assumed, without a request~~
10 ~~for a specific extension of time, that the public water system has~~
11 ~~no information to submit that is in addition to, or different from,~~
12 ~~the plan provided to the city or county required under Section~~
13 ~~10635.~~

14 ~~(3) Nothing in this section prohibits the city or county from~~
15 ~~seeking a writ of mandamus to compel the governing body of the~~
16 ~~public water system to comply with the requirements of this part~~
17 ~~relating to the submission of the water supply assessment prepared~~
18 ~~pursuant to subdivision (c).~~

19 *(g) (1) Subject to paragraph (2), the governing body of each*
20 *public water system shall submit the assessment to the city or*
21 *county not later than 90 days from the date on which the request*
22 *was received. The governing body of each public water system, or*
23 *the city or county if either is required to comply with this act*
24 *pursuant to subdivision (b), shall approve the assessment prepared*
25 *pursuant to this section at a regular or special meeting.*

26 *(2) Prior to the expiration of the 90-day period, if the public*
27 *water system intends to request an extension of time to prepare and*
28 *adopt the assessment, the public water system shall meet with the*
29 *city or county to request an extension of time, which shall not*
30 *exceed 30 days, to prepare and adopt the assessment.*

31 *(3) If the public water system fails to request an extension of*
32 *time, or fails to submit the assessment notwithstanding the*
33 *extension of time granted pursuant to paragraph (2), the city or*
34 *county may seek a writ of mandamus to compel the governing body*
35 *of the public water system to comply with the requirements of this*
36 *part relating to the submission of the water supply assessment.*

37 *(h) Notwithstanding any other provision of this part, if a project*
38 *has been the subject of a water supply assessment that complies*
39 *with the requirements of this part, no additional water supply*
40 *assessment shall be required for subsequent projects that were part*

1 of a larger project for which a water supply assessment was
2 completed and that has complied with the requirements of this part
3 and for which the public water system, *or the city or county if*
4 *either is required to comply with this part pursuant to subdivision*
5 *(b)*, has concluded that its water supplies are sufficient to meet the
6 projected water demand associated with the proposed project, in
7 addition to the ~~public water system's~~ existing and planned future
8 uses, including, but not limited to, agricultural and industrial uses,
9 unless one or more of the following changes occurs:

10 (1) Changes in the project that result in a substantial increase
11 in water demand for the project.

12 (2) Changes in the circumstances or conditions substantially
13 ~~affecting the public water agency's ability to provide a sufficient~~
14 *affecting the ability of the public water system, or the city or county*
15 *if either is required to comply with this part pursuant to subdivision*
16 *(b), to provide a sufficient supply of water for the project.*

17 (3) Significant new information becomes available which was
18 not known and could not have been known at the time when the
19 assessment was prepared.

20 SEC. 5. Section 10911 of the Water Code is amended to read:

21 10911. (a) If, as a result of its assessment, the public water
22 system concludes that its water supplies are, or will be,
23 insufficient, the public water system shall provide to the city or
24 county its plans for acquiring additional water supplies, setting
25 forth the measures that are being undertaken to acquire and
26 develop those water supplies. *If the city or county, if either is*
27 *required to comply with this part pursuant to subdivision (b),*
28 *concludes as a result of its assessment, that water supplies are, or*
29 *will be, insufficient, the city or county shall include in its water*
30 *supply assessment its plans for acquiring additional water*
31 *supplies, setting forth the measures that are being undertaken to*
32 *acquire and develop those water supplies.* Those plans may
33 include, but are not limited to, information concerning all of the
34 following:

35 (1) The estimated total costs, and the proposed method of
36 financing the costs, associated with acquiring the additional water
37 supplies.

38 (2) All federal, state, and local permits, approvals, or
39 entitlements that are anticipated to be required in order to acquire
40 and develop the additional water supplies.

(3) Based on the considerations set forth in paragraphs (1) and (2), the estimated timeframes within which the public water system, *or the city or county if either is required to comply with this part pursuant to subdivision (b)*, expects to be able to acquire additional water supplies.

(b) The city or county shall include the water supply assessment provided pursuant to Section 10910, and any information provided pursuant to subdivision (a), in any environmental document prepared for the project pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code.

(c) The city or county may include in any environmental document an evaluation of any information included in that environmental document provided pursuant to subdivision (b). The city or county shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses. If the city or county determines that water supplies will not be sufficient, the city or county shall include that determination in its findings for the project.

SEC. 6. Section 10912 of the Water Code is amended to read: 10912. For the purposes of this part, the following terms have the following meanings:

(a) “Project” means any of the following:

(1) A proposed residential development of more than 500 dwelling units.

(2) A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.

(3) A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space.

(4) A proposed hotel or motel, or both, having more than 500 rooms.

(5) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

(6) A mixed-use project that includes one or more of the projects specified in this subdivision.

(7) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

(b) If a public water system has fewer than 5,000 service connections, then “project” means any proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of the public water system’s existing service connections, or a mixed-use project that would demand an amount of water equivalent to, or greater than, the amount of water required by residential development that would represent an increase of 10 percent or more in the number of the public water system’s existing service connections.

(c) “Public water system” means a system for the provision of piped water to the public for human consumption that has 3000 or more service connections. A public water system includes all of the following:

(1) Any collection, treatment, storage, and distribution facility under control of the operator of the system which is used primarily in connection with the system.

(2) Any collection or pretreatment storage facility not under the control of the operator that is used primarily in connection with the system.

(3) Any person who treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.

SEC. 7. Section 10913 of the Water Code is repealed.

SEC. 8. Section 10915 of the Water Code is amended to read:

10915. The County of San Diego is deemed to comply with this part if the Office of Planning and Research determines that all of the following conditions have been met:

(a) Proposition ~~(C)~~ C, as approved by the voters of the County of San Diego in November 1988, requires the development of a regional growth management plan and directs the establishment of a regional planning and growth management review board.

(b) The County of San Diego and the cities in the county, by agreement, designate the San Diego Association of Governments as that review board.

(c) A regional growth management strategy that provides for a comprehensive regional strategy and a coordinated economic

1 development and growth management program has been
2 developed pursuant to Proposition C.

3 (d) The regional growth management strategy includes a water
4 element to coordinate planning for water that is consistent with the
5 requirements of this part.

6 (e) The San Diego County Water Authority, by agreement with
7 the San Diego Association of Governments in its capacity as the
8 review board, uses the association's most recent regional growth
9 forecasts for planning purposes and to implement the water
10 element of the strategy.

11 (f) The procedures established by the review board for the
12 development and approval of the regional growth management
13 strategy, including the water element and any certification process
14 established to ensure that a project is consistent with that element,
15 comply with the requirements of this part.

16 (g) The environmental documents for a project located in the
17 County of San Diego include information that accomplishes the
18 same purposes as a water supply assessment that is prepared
19 pursuant to Section 10910.

20 SEC. 9. *Section 3.5 of this bill incorporates amendments to*
21 *Section 10631 of the Water Code proposed by both this bill and AB*
22 *901. It shall only become operative if (1) both bills are enacted and*
23 *become effective on or before January 1, 2002, (2) each bill*
24 *amends Section 10631 of the Water Code, and (3) this bill is*
25 *enacted after AB 901, in which case Section 3 of this bill shall not*
26 *become operative.*

27 SEC. 10. No reimbursement is required by this act pursuant
28 to Section 6 of Article XIII B of the California Constitution
29 because a local agency or school district has the authority to levy
30 service charges, fees, or assessments sufficient to pay for the
31 program or level of service mandated by this act, within the
32 meaning of Section 17556 of the Government Code.

